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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,601	08/03/2000	Takashi Sasai	7254/60402	7872

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EXAMINER

NGUYEN, TU X

ART UNIT PAPER NUMBER

2684

9

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/601,601

Applicant(s)

SASAI ET AL

Examiner

Tu X Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-14 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 1 objected to because of the following informalities: Mis-spelling "sel-like".
Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-5, 8-10 and 12-14, are rejected under 35 U.S.C. 102(e) as being anticipated by Shindo (US Patent 5,857,157)

Regarding claim 1, in light of specification page 7, 4th paragraph and page 10, 1st paragraph "communication line" means "radio wave". Shindo discloses a communication terminal (2, fig.3, 4) apparatus that is connected to a communicatee through a communication line and transmits/receives information to/from said communicatee, comprising:

communication controlling means that executes controls required for the transmission/reception of information through said communication line (see col.3 line 40 through col.4 line 22);

read-out means (31, 52 fig.3) to read out information recorded on a seal-like recording medium (3, fig.3,4) pasted anywhere at the discretion of a user (see col.6 lines 1-66, "dialing" corresponding to "pasted" in light of specification page 8); and

connecting means that connects a communication line to the communicatee corresponding to the information read out by said read-out means (see col.6 lines 1-9).

Regarding claim 2, Shindo discloses seal-like recording medium includes adhesive (see col.2 lines 25-42) applied to a back surface to allow for pasting anywhere at the discretion of the user and includes information displayed on a front surface thereof to indicate recorded contents (see col.2 lines 44-47).

Regarding claim 3, Shindo discloses information recorded on said seal-like recording medium corresponds to operators of said communication terminal apparatus (see col.4 lines 30-39).

Regarding claim 4, Shindo discloses everything as claim 4 above. More specifically, Shindo discloses information required for the connection to said communicatee is recorded on said seal-like recording medium an image indicating said communicatee is displayed (see col.6 lines 41-55).

Regarding claims 5 and 14, Shindo discloses attribute information related to said communicatee is further recorded on said seal-like recording medium, and said connecting means executes a process for the connection to said communicatee according to said attribute (see col.6 lines 49-50).

Regarding claim 8, Shindo discloses presentation means that presents information read out by said read-out means (see col.6 lines 41-55).

Regarding claim 9, Shindo discloses presented information is further recorded on said seal-like recording medium to indicate whether the read out information is presented, and said presentation means determines whether the information is presented according to said presentation control information (see col.4 lines 30-40).

Regarding claim 10, Shindo discloses writing means that writes predetermined information on said seal-like recording medium (see col.5 lines 25-30).

Regarding claim 12, Shindo discloses a semiconductor memory is built in said seal-like recording medium and recorded contents of said semiconductor memory are read and written in a contactless manner (see col.4 lines 30-49).

Regarding claim 13, Shindo discloses a seal-like (3,fig.3-4) recording medium (52) providing information used to access a communicatee to a communication terminal apparatus that is connected to said communicatee through a communication line and transmits/receives information to/from said communicatee (see col.6 lines 1-9), comprising:

Adhesives (see col.2 lines 30-31) applied to a back surface to allow for pasting the seal-like recording medium anywhere at the discretion of a user (see col.6 lines 1-66), wherein an image indicating said communicatee is displayed on a front surface, and information required for the connection to said communicatee is recorded therein (see col.2 lines 44-47).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shindo in view of Martschitsch (US Patent 6,223,026).

Regarding claim 11, Shindo fail to disclose an access count to the communicatee is further recorded on said seal-like recording medium, and only when said access count read out by said read-out means in not "0" the communication line is connected to said communicatee by said connecting means as well as its value is decremented by "1" and written.

Martschitsch discloses an access count to the communicatee is further recorded on said seal-like recording medium, and only when said access count read out by said read-out means in not "0" the communication line is connected to said communicatee by said connecting means as well as its value is decremented by "1" and written (see col.1 lines 30-44 and col.6 lines 30-34). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shindo with the above teaching of Martschitsch in order to provide subscriber identification memory card, a limited charge counter and means for blocking calls according to the result supplied by the comparison means.

Allowable Subject Matter

4. Claims 6-7, objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding dependent claim 6, none of prior art teaching attribute information represents periods of time during which the connection to said communicatee is one of possible and periods of time during which the connection to said communicatee is impossible, and said connecting means executes said process for connecting the communication line to the communicatee only when a present date and time is within the periods of time permitted by said attribute information, as cited in the claim.

Regarding dependent claim 7, none of prior art teaching attribute information represents one of information about positions from where said communicatee is accessible and information about positions from where said communicatee is inaccessible; and said connecting means executes said process for connecting the communication line to the communicatee only when a present position is a position permitted by said attribute information, as cited in the claim.

Art Unit: 2684

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7749.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TR
4/21/04


NAY MAUNG

SUPERVISORY PATENT EXAMINER